United Nations A/C.3/59/SR.24

General Assembly
Fifty-ninth session
Official Records

Distr.: General
17 January 2005
English
Original: French

Third Committee

Summary record of the 24th meeting
Held at Headquarters, New York, on Tuesday, 26 October 2004, at 10 a.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Groux (Vice-Chairperson) ..... (Switzerland)

Contents

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(c) Human rights situations and reports of special rapporteurs and representatives

(e) Report of the United Nations High Commissioner for Human Rights

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-57199 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 105: Human rights questions (*continued*) (A/59/225, 371 and 425)

(a) Implementation of human rights instruments (*continued*) (A/59/40 (vol. I and II), 44, 48, 96, 254, 306, 308, 309, 310, 324 and 353)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

1. **Ms. Aldoski** (Iraq) recalled that the former Iraqi regime had trampled the Universal Declaration of Human Rights underfoot, scorning current international norms and the most sacred values. That had been reflected in the use of illicit weapons and the discovery of numerous mass graves. Although a party to various international agreements such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, Iraq had long been one of the worst violators of human rights. The country was now at a crossroads. Considerable progress had been made, including the creation in July 2003 of the Governing Council and the promulgation of the basic law of administration of the Iraqi State, which had been the subject of in-depth discussions among political movements and in the press. It was therefore the product of all the current different political leanings in the country.

2. The interim Iraqi Government was committed to the strengthening of democracy and to pluralism, the protection of human rights, the involvement of citizens in decision-making processes and the establishment of an electoral system which would make possible the holding of free elections in 2005. It was promoting fundamental freedoms, especially freedom of association, of religion and of speech, and defending gender equality, the supremacy of law, the independence of the judiciary and the right to a fair and equitable trial, with the overall objective of strengthening democracy and improving the standard of living of the citizens, in accordance with relevant international agreements.

3. Lastly, the interim Government believed that it was essential that a State based on the rule of law should be established in Iraq, to ensure the country's future stability and enable it to take its place among the international community.

4. **Mr. Saranga** (Mozambique) recalled that the universality, indivisibility and interdependence of human rights law were enshrined in the Constitution of Mozambique. He commended the report of the chairpersons of the human rights treaty bodies on the work of their sixteenth meeting, contained in document A/59/254. In particular, he welcomed the fact that the report highlighted the need for streamlining and harmonizing the working methods of the treaty bodies and the corresponding reporting requirements. The majority of States had endorsed the draft reporting guidelines and supported the holistic approach to human rights which had been adopted, as it made it possible to prevent duplication and conflicting interpretations of human rights provisions. Of particular importance was the need for technical assistance and capacity-building programmes for States wishing to submit periodic reports. Such programmes should also focus on the establishment of structures for coordination, evaluation and monitoring of legislation and national programmes pertaining to the implementation of human rights treaties.

5. His Government had taken concrete actions such as the adoption in 2000 of a plan of action for the eradication of absolute poverty. The plan aimed at providing basic education for all, clean drinking water, housing programmes and extending primary health care to rural areas. At the international level, Mozambique was a party to the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination, including its Optional Protocols. His country had also signed the United Nations Convention against Corruption, and the ratification process was in progress. At the regional level, Mozambique had signed in 2003 the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Union Convention on Preventing and Combating Corruption. The ratification process for those instruments was also under way. It had ratified the Protocol Establishing the African Court of Justice and the Protocol Establishing the African Court of Human and Peoples' Rights. At the national level, a Constitutional Council had recently been established with the responsibility of

monitoring the legality of the acts of State bodies in order to strengthen democracy, good governance, respect for human rights and the rule of law. Much remained to be done, however, to ensure full enjoyment of human rights and individual freedoms in Mozambique. The rule of law, including access to justice, was essential for peace-building and sustainable development. In order to be effective, laws must be fully applied, which required institutional capacity-building and the training of the personnel of law enforcement agencies, to ensure that crime did not remain unpunished.

6. His delegation regretted that many developing countries, including Mozambique, were unable to protect and promote human rights as they wished, owing to the lack of adequate resources. He therefore hoped that the international community as a whole would continue to render technical and other forms of assistance to countries in need.

7. **Ms. Majali** (Jordan) said that her Government was fully committed to the promotion and protection of human rights, in accordance with the Charter of the United Nations, international human rights instruments and the Vienna Declaration and Programme of Action. It was also committed to the path of liberalization and democratization, to ensure the enjoyment of the freedoms and rights contained in the country's Constitution, improve the situation of women, guarantee the freedom of the press, reform legislation and the judicial system and enable Parliament and the political parties to play their role. A new ministry charged with political development had been established, a draft national action plan on political development was under discussion, and a ministerial committee had been mandated to follow up a national dialogue between Government officials and members of the Lower House, and put forward recommendations and proposals on the subject. As for the freedom of the press, the Ministry of Information had been abolished and a government spokesperson had been appointed. A Higher Media Council, a regulatory and reference body with no executive authority, had proposed a number of draft laws to ensure the financial, intellectual and administrative independence of the media, and private television and radio stations were now allowed.

8. Her Government had undertaken to modernize its entire system of justice in the context of a three-year plan, and was spearheading the judicial reform component of a joint initiative launched by six Arab countries in collaboration with the Organisation for Economic Cooperation and Development and the United Nations Development Programme. According to the Global Competitiveness Report for 2003-2004, Jordan ranked twenty-third among 102 countries in terms of the independence of the judiciary. She hoped that by 2006 a higher ranking could be secured.

9. As for education, school curricula had been changed to convey a message of tolerance and propagate a culture of dialogue and democracy. The teaching of human rights was a strategic goal for the educational system, and her Government had launched a five-year education-reform plan incorporating four initiatives focusing on lifelong learning, responsiveness to the economy, access to information and communications technology, and quality learning. A considerable improvement had taken place in women's participation in public and private life. Strategies had been adopted to enable women to play key roles at all levels and to bridge the gender gap, and Jordan could currently boast the highest percentage of women serving in the legislative and executive branches of government in the Arab world. Measures had been taken to ensure that the media and the educational system projected a positive image of women, and national legislation which still discriminated against women and children was currently under examination, with the aim of amending it in accordance with Jordan's international obligations.

10. Established in December 2002, the Centre for Human Rights addressed alleged human rights violations. Since the first meeting in March 2003 of its Board of Trustees, the Centre had examined numerous cases of alleged human rights violations and had settled a considerable number of them. The Centre was cooperating with the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and with competent national institutions, and her Government hoped that that collaboration would be further strengthened in future.

11. Lastly, she emphasized that, in the context of the implementation and follow-up to the Vienna Declaration and Programme of Action, particular attention must be paid to human rights violations currently taking place throughout the world, particularly when they occurred as a result of armed conflict and foreign occupation.

12. **Mr. Sinaga** (Indonesia) said that his Government attached the utmost importance to the promotion and protection of human rights and to the international human rights instruments, as evidenced by decree No. XVII of 1998 containing the Indonesian Human Rights Charter, which had been promulgated by the People's Consultative Assembly. The 1945 Constitution as amended in 2000, the Human Rights Act No. 39/1999 and Act No. 26/2000 on Human Rights Courts in a sense formed the Indonesian Bill of Rights. His Government had ratified or acceded to the main international human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Political Rights of Women. It had also ratified the International Convention against Apartheid in Sports, the Optional Protocol to the Convention on the Elimination on All Forms of Discrimination Against Women and eight International Labour Organization (ILO) conventions for the protection of workers. As part of its effort to protect the approximately 3 million Indonesians living abroad, his Government had also signed, on 22 September 2004, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Indonesia believed that the ratification of such international instruments helped to strengthen national legislation in the field and have it brought into line with recognized international norms, especially in the absence of domestic laws in certain areas. Yet ratification should not be an end in itself but should go hand-in-hand with full implementation of the treaties. Indonesia was therefore scrupulous in submitting its reports under the conventions to which it was a party.

13. His country had already made a great deal of progress, and the success of the 2004 elections and the inauguration of a new Government only the previous week would further facilitate the continuing reforms in the area of human rights. The support and cooperation of the international community, with its understanding that Indonesia's particular political, economic and social realities had to be respected, would be greatly valued. His Government was preparing to ratify additional international human rights instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Rome Statute of the International Criminal Court, in accordance with its second National Plan of Action on Human Rights 2004-2008. The objectives of the second Plan were to enhance the observance, promotion, exercise and protection of human rights in Indonesia, taking into account the customs and the religious and cultural values of the people, as set out in the 1945 Constitution. It established a timetable for achieving concrete goals in four fields: the ratification of international human rights instruments; education on human rights issues; the launching of initiatives in priority human rights areas; and the domestic implementation of international human rights instruments. Its first National Plan of Action (1998-2003) had led to the adoption of ground-breaking legislation: Human Rights Act No. 39/1999 had empowered the National Commission on Human Rights, or Komnas HAM, a body independent of the Government, to subpoena witnesses, including government officials, and obtain physical evidence in its investigations of human rights abuses. During the period of the first Plan, certain especially vulnerable groups, like children, young people and women, had been identified and it had been decided that more attention would be given to their interests under the second National Plan of Action in the period 2004-2009.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/59/255, 319-320, 323, 327-328, 341, 360, 366, 377, 385, 401-403, 422, 428, 432, 436 and 525)

(c) Human rights situations and reports of special rapporteurs and representatives (A/59/256, 269, 311, 316, 340, 352, 367, 370, 378, 389 and 413)

(e) Report of the United Nations High Commissioner for Human Rights (A/59/36)

Statement by the United Nations High Commissioner for Human Rights

Dialogue with the United Nations High Commissioner for Human Rights

14. **Ms. Arbour** (United Nations High Commissioner for Human Rights), introducing her report (A/59/36), recalled that, since the adoption of the Universal Declaration on Human Rights, the international community had developed a body of norms and standards that had given effect to the fundamental principles contained in the Declaration. Every State had voluntarily accepted binding human rights' obligations through being a party to one or more of the seven core human rights conventions. Giving primacy to this body of law, a democratic institution that upheld dignity, equality and justice, the international community placed all human beings at the centre of often complex policy debates. She therefore intended to strengthen the capacity of the Office of the High Commissioner for Human Rights (OHCHR) in the area of the rule of law.

15. That was also the purpose of Action 2 proposed in the Secretary-General's reform initiative (see A/57/387), which would be launched officially on 27 October 2004. That reform programme was aimed at consolidating the efforts of the entire United Nations system in advancing the protection of human rights at the country level, so that international standards, norms and laws could have practical effects on the ground. The protection of human rights could be ensured only when national laws, institutions and procedures worked in that direction.

16. Giving a few additional examples of the importance that human rights could have in everyone's lives when they had the force of law, she emphasized that, while States had affirmed repeatedly the indivisibility of all human rights, economic, social and cultural rights had not always enjoyed the same level of legal protection as civil and political rights, and that needed to be addressed. Growing jurisprudence from national courts and regional human rights mechanisms demonstrated that economic, social and cultural rights did lend themselves to judicial remedies in cases of clear violation. That was an encouraging development, as was the debate currently under way in the Commission on Human Rights on the possibility of making the implementation of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights subject to an individual communications procedure.

17. She welcomed the efforts to adopt a new treaty spelling out more clearly the obligations that States had accepted to ensure that the 600 million persons living with disabilities received the same human rights protection to which everyone else was entitled. Persons with disabilities represented one of the largest, least visible groups among those suffering from discrimination; that must end.

18. With regard to terrorism, words could scarcely convey the repugnance inspired by terrorist acts, but they had to be confronted within the framework of existing rights and the rule of law. Deeply entrenched rights had been rolled back in the name of the war on terrorism, and that was neither principled nor effective.

19. A number of areas of the work of her Office and of the United Nations human rights machinery deserved highlighting. There was a growing recognition that human rights and the right to development shared a common purpose: to enhance human capabilities and generate opportunities to live a life of dignity, equality and well-being. Policy formulation and the implementation of development programmes could benefit from human rights principles. While there was no question that States had the primary responsibility for their own economic and social development, the international community had the responsibility to create an environment conducive to the realization of that right. The recent debate and changes in the pertinent mechanisms of the Commission on Human Rights had emphasized practical contributions to the implementation of the right to development.

20. With regard to poverty, the States were far from having respected their commitments to reduce extreme poverty, even though many of them had been made five years earlier in the Millennium Declaration. It was necessary to move beyond the rhetoric; the draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies elaborated by her Office should play a part in the process.

21. Citing the last paragraph of the preamble of the Universal Declaration, she stressed that, when addressing the links between human rights and economic and development issues, it was necessary to clarify the responsibilities of non-State economic actors, especially transnational corporations. A human rights-based approach could make an essential contribution to the discussion of globalization. The

adoption of such an approach to decision-making on trade, financial flows, information and communications, or migration could increase the beneficial impact of international economic integration and minimize the harmful consequences. As mandated by the Commission on Human Rights, her Office had increasingly explored links between human rights and globalization.

22. With regard to women, the Universal Declaration had enshrined the right of everyone to enjoy all human rights without discrimination based on their sex, and the Convention on the Elimination of All Forms of Discrimination against Women detailed further obligations. Although the progress made must be celebrated, significant work remained to be done and efforts should be doubled, in particular to continue promoting universal ratification of the Convention and its Optional Protocol, and the withdrawal of the many reservations entered upon ratification. Numerous examples of discriminatory legislation persisted in many countries around the world. Too often, women still experienced discrimination without legal remedy, and it was necessary to identify the barriers that they faced in obtaining equal access to meaningful justice. Yet, even when legislation was in place, it could be effective only if people were aware of their rights and law enforcement officials were able and willing to assist them in claiming those rights.

23. Even though States had increased efforts to stem the crime of trafficking in human beings, the menace continued and in some countries was actually growing. Anti-trafficking measures could not simply focus on crime prevention, but had to do more to ensure that the human rights of the victims were protected. In that regard, her Office would continue to promote a human rights-based approach and cooperate closely with the Special Rapporteur on trafficking in persons, especially women and children, whose post had recently been established.

24. Recalling that the International Decade of the World's Indigenous People would conclude in December 2004, several favourable institutional developments had been established that would benefit indigenous peoples, both internationally and at home. However, there had been slow progress regarding the adoption of the draft United Nations declaration on the rights of indigenous peoples; the Decade was ending and only 45 articles had been provisionally adopted. Should a second Decade for indigenous peoples be proclaimed, her Office was ready to provide the fullest possible support.

25. She had recently told the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, during its third session, that she was determined to make the struggle against racism, racial discrimination and xenophobia a priority of OHCHR, cross-cutting all its activities. To make its approach as practical as possible, her Office wished to strengthen cooperation with international and regional organizations, non-governmental organizations (NGOs) and other agents of civil society. Although, in the long run, one hoped, through education and persuasion, to change mentalities and overcome hatred, arrogance and a desire to exclude; in the short term, it was necessary to counteract practices based on such sentiments.

26. A number of issues in the implementation of human rights legislation were of concern to her. First, with regard to the universality of the complaints procedures, only 104 States had ratified the Optional Protocol to the International Covenant on Civil and Political Rights. All delegations should work towards greater accession to, or ratification of, that important instrument.

27. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been designed to establish a system of regular visits by independent international and national bodies to places where people were deprived of their liberty and where fundamental rights were particularly at risk or insufficiently protected. Unfortunately, only five countries had acceded to or ratified that instrument, while 20 ratifications and accessions were needed for it to enter into force. All States should ratify it as a matter of urgency.

28. With reference to the Secretary-General's reform proposals on streamlining reporting to human rights' treaty bodies, and harmonizing their working methods, draft guidelines had been prepared — and welcomed by the treaty bodies — for an expanded core document, which would be submitted to each treaty body accompanied by treaty-specific reports. Her Office would provide assistance to States wishing to follow the new reporting procedure.

29. Another problem linked to the reform of the treaty reporting system was the accumulation of reports

awaiting review. The Committee on the Rights of the Child, which was the most affected by the problem, had decided to request the General Assembly to allow it to meet in two chambers for a trial period of two years, so that it could clear some of the backlog. She supported that initiative and appealed to delegations to give it favourable consideration.

30. With regard to her Office's field activities, its core priority must be the protection of human rights. Human rights support for the growing number of United Nations peacekeeping missions was now one of the Office's principle functions. In response to gross human rights violations, which were invariably an advance indicator and by-product of conflict, OHCHR needed to strengthen its capacity to participate actively in the United Nations conflict-resolution efforts, respond to emergency situations, and deal appropriately with urgent requests to investigate large-scale human rights violations. The merits of establishing an early warning/urgent response unit were under consideration.

31. In addition to its role in the protection of human rights in acute crises, her Office would remain strongly engaged in promoting such rights. Its field presence (including technical cooperation projects) should be limited in time and scope, with the end of a mission predicated upon the achievement of concrete human rights benchmarks. Furthermore, OHCHR would be developing its support in the field for the agencies of the United Nations system, and for its other partners, especially national human rights institutions.

32. Lastly, she dedicated her term in office as High Commissioner to human rights defenders who, in many countries, were often victims of violence aimed at preventing them from speaking out. When they were silenced, much of the capacity to respond to crises was compromised. The international community, therefore, had a responsibility to protect those who served as the collective conscience.

33. **Ms. Groux** (Switzerland), noting that the High Commissioner for Human Rights, in her introductory statement, had mentioned the struggle against racism, racial discrimination and xenophobia as one of the priorities of her mandate, requested her to indicate what the other priorities were. She also asked what progress had been made towards systematically taking into account human rights issues in the activities of the United Nations system and how States might support the action of the Office of the High Commissioner for Human Rights (OHCHR) in that area. Lastly, she stated that her delegation shared the view that the treaty monitoring bodies and the special procedures services might play an important role in early warning and prevention activities and requested further information regarding the early warning/urgent response unit whose establishment was being considered, indicating that Switzerland supported that project.

34. **Mr. de Klerk** (Netherlands), speaking on behalf of the European Union, asked the High Commissioner how she contemplated, within the framework of the implementation of the Action 2 initiative, placing human rights issues at the centre of the activities of the United Nations system and how she intended to strengthen cooperation and improve the ties between OHCHR and funds and programmes outside of Geneva. He then asked about how she planned to sensitize country teams operating in the field of development to the promotion and protection of human rights. Finally, he wished to know how OHCHR might improve the implementation of human rights instruments.

35. **Mr. Endresen** (Norway), recalling that for a number of years Norway had accorded special attention to the question, asked the High Commissioner what measures should be taken on a priority basis to improve the increasingly difficult situation of human rights defenders.

36. **Mr. Normandin** (Canada) asked how the General Assembly might provide OHCHR with financial resources commensurate with the challenges, expectations and numerous requests with which the Office had to cope. Recalling that the Security Council was to discuss the implementation of its resolution 1325 (2000) during the current week, he would like to know how the United Nations in general and OHCHR in particular might tackle the issue more energetically and help countries in that field.

37. **Mr. Zoumanigui** (Guinea) requested the High Commissioner to explain in greater detail how the early warning/urgent response unit would function, particularly within the framework of cooperation with the Department of Peacekeeping Operations (DPKO), the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Political Affairs (DPA).

38. **Ms. Arbour** (United Nations High Commissioner for Human Rights) explained that, if she received the

necessary support from the United Nations system and the other partners, the Action 2 initiative could contribute to the promotion and protection of human rights more effectively than any previous initiative. The objective was to provide national actors (human rights defenders, national institutions, courts, etc.), who were in the best position to take efficacious action owing to their knowledge of local conditions, with the means for protecting human rights. For that to be achieved, all United Nations partners must adopt a human-rights-based approach in all their activities and, with that in mind, new projects would be conducted jointly by OHCHR and the United Nations Development Programme (UNDP). In that context, the presence of OHCHR within country teams would have to be increased. She added that those activities must be funded through voluntary contributions and that a draft budget would be submitted within the week.

39. The financial needs of the early warning/urgent response unit, which was about to be established, would be covered by the annual appeal for contributions and the next OHCHR regular budget. The purpose of creating such a unit was to strengthen the Office's capacities in order to make it a full-fledged partner in the management of acute human rights crises and within the framework of peacekeeping operations and post-conflict reconstruction efforts. The High Commissioner pointed out that an essential element in the promotion of human rights was the effort to combat the culture of impunity that prevailed in certain countries. In order for peace to last, it had to be associated with the establishment of an equitable justice system and OHCHR had a vital role to play in restoring the rule of law, creating various mechanisms (in particular, commissions of inquiry, committees of experts, missions of tribunals and joint fact-finding and reconciliation committees) and providing assistance to countries emerging from conflict.

40. In response to the questions concerning treaty monitoring bodies and special procedures, OHCHR must help the various mechanisms to monitor the implementation of their own recommendations and should itself collect the necessary information to ensure that the recommendations of the treaty bodies were duly carried out. So much energy had been devoted to treaty ratification that the High Commissioner feared that not enough attention would be paid to following up the recommendations. Progress needed to be made in that area.

41. The financial needs of OHCHR were covered both by the regular budget and by voluntary contributions. In due time, she would request the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to provide for an adequate level of support for the Office's essential activities, in particular those mandated by the Commission on Human Rights or arising from its obligations. In connection with the human rights situation, she stressed that national legal frameworks must reflect recognition of the flagrant violations of women's rights constituted by certain types of war crimes, crimes against humanity or genocidal crimes that had come to light in international tribunals and called upon delegations to take action to guarantee the rule of law.

42. Returning to the situation of women, especially in the context of conflicts, the High Commissioner confirmed that the issue would be considered by the Security Council during the current week. The progress made in that field over the past 10 years had been greater than that of the previous 50 years. That result was due to the work of the international tribunals, in particular the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Tribunal for Sierra Leone and the International Criminal Court, which had shown that, in situations of conflict, rape and sexual violence were considered war crimes, crimes against humanity or even genocide, depending on the scale on which they were carried out.

43. Regarding OHCHR priorities, she underscored the importance attached to the struggle against racism and racial discrimination, the rule of law and the need for the Office to play a greater role in the management of crises. That did not, however, mean that she would neglect situations involving chronic violations of human rights, such as issues related to extreme poverty and to violations of economic, social and cultural rights. In the adoption of measures to combat terrorism, account must be taken of human rights mechanisms and the law must be respected.

44. **Ms. Pérez Álvarez** (Cuba) asked how the guidelines concerning the reform of the treaty monitoring bodies addressed the question of equitable geographic distribution within those bodies and, expressing her delegation's concern for the credibility of the Commission on Human Rights, compromised by the climate of politicization and tension and the trend towards selectivity regarding the questions considered,

also wished to know what specific measures the High Commissioner intended to take to ensure the smooth functioning of the human rights protection machinery.

45. **Mr. Vegas** (Peru), reaffirming his delegation's attachment to the priorities identified by the High Commissioner, asked her for further clarification of her Office's somewhat recent mandate in the area of emergency action.

46. **Ms. Dempster** (New Zealand) asked what priorities should be identified for improving the effectiveness of the human rights treaty system.

47. **Mr. Sinaga** (Indonesia) observed that, while no one was indifferent to human rights violations, wherever or whenever they occurred, the progress made should be acknowledged. In that regard, his delegation would like to hear the High Commissioner's opinion on the progress made since the first International Conference on Human Rights or the World Conference on Human Rights, held in Vienna in 1993, for instance, and on ways of accelerating full achievement of human rights promotion and protection.

48. **Mr. Ghadavi** (India) asked how the High Commissioner envisaged optimizing her Office's effectiveness.

49. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that undeniable progress had been made in the area of declaratory instruments relating to human rights norms and standards in order to give concrete form to the various rights set forth in the Universal Declaration of Human Rights. The time had come to move on from the declaratory stage to one of active implementation and the fulfilment of commitments. To that end, measures must be taken at the country level: each State must acquire the means to measure its progress in implementing treaties and international customary law relating to human rights.

50. Concerning the resources of the Office of the High Commissioner, she referred to their source and stressed the importance of extrabudgetary voluntary contributions. The size of the contribution was unimportant: the mere fact of providing support to the Office in its mission guaranteed its capacity to plan its activities, especially if that assistance was not project-specific but was offered as a token of support for the Office's work. She thanked the current donors for their generosity in that connection.

51. The question of geographical distribution did not fall within the purview of OHCHR, but she assured delegations that she totally subscribed to the idea that any initiative concerning human rights must be entirely inclusive and reflect pluralism, which certainly enhanced the debate on those rights. She was therefore determined, within the confines of her mandate, to promote equitable geographical representation within the Office of the High Commissioner. Nor did the activities of the Commission on Human Rights fall within the sphere of competence of the Office; but, there too, she was determined to do her utmost to help the Commission discharge its functions and strengthen its credibility and legitimacy.

52. Regarding the reform of the treaty bodies, the work of OHCHR spoke for itself, and major initiatives had been launched to solve the reporting problems. It was regrettable that, as more ratifications were obtained and reporting on the implementation of the instruments was encouraged, the capacity to consider the reports and monitor implementation became inadequate. The treaty bodies must be assisted in discharging their mandates within reasonable time frames, in order to preserve the relevance of their work in the field, and in monitoring the implementation of their recommendations. She reiterated her determination in that regard.

53. **Mr. La** Yifan (China) said that his delegation was concerned about the imbalance between the importance given to civil and political rights, on the one hand, and economic, social and cultural rights, on the other, and by representation in the staffing of the Office of the High Commissioner and asked how the High Commissioner planned to improve that situation. While acknowledging the importance of the human rights instruments for the protection of such rights worldwide, China observed that an unhealthy trend had become apparent and that the origin of several major instruments lay not in consensus but in a forced vote, which could only adversely affect the role that they played. In that context, the Chinese delegation would like to know what measures the High Commissioner had in mind for promoting the adoption of human rights instruments by consensus. In conclusion, concerned by the fact that a number of special procedures had exceeded their mandates in recent years, China would like to know whether the High Commissioner did not consider it necessary for a unified code of conduct to be adopted.

54. **Mr. Osmane** (Algeria), focusing on the question of the impact of terrorism on human rights, sought the High Commissioner's opinion on the controversial issue of non-State actors' relationship to the law.

55. **Mr. Gzilal** (Libyan Arab Jamahiriya), sharing the High Commissioner's view on the human rights violations committed within the framework of combating terrorist acts, asked what steps were to be taken to limit the effects of fear, at international level, in the face of intolerance and the risk of dialogue among cultures being transformed into conflict among civilizations, migrants and minorities becoming the target of anti-terrorist measures, and oppression of peoples becoming widespread in the name of counter-terrorism.

56. **Mr. D'Alloto** (Argentina) asked whether the High Commissioner considered it possible to achieve a degree of balance within the Commission on Human Rights so that specific situations could be addressed without prompting defensive reactions from many States that saw that as a sign of the Commission's politicization. On the subject of cooperation between the Office of the High Commissioner and the Security Council, his delegation also wished to know what impact sanctions imposed by the Council had on the exercise of the economic, social and cultural rights of the populations affected.

57. **Mr. Nebie** (Burkina Faso) asked the High Commissioner to be more precise on the question of protection of the rights of migrants and their families, which was of great concern to his delegation.

58. **Ms. Arbour** (United Nations High Commissioner for Human Rights) reiterated that she was convinced that as much importance should be attached to the promotion of social and economic rights as to that of civil and political rights, and reaffirmed her adherence to the principle of universality and indivisibility of human rights.

59. The question of geographic distribution having once again been raised, she stressed that pluralism and diversity enhanced the work of the Office of the High Commissioner and contributed to its effectiveness. She appealed to countries to encourage candidatures of their nationals. That was a critical point of departure if the equitable representation of countries and sexes was to become a reality, but candidates needed to put themselves forward.

60. Regarding the special procedures, she recalled that the special rapporteurs received their mandates from the Commission on Human Rights, were appointed by its Chairperson and supported by the Office of the High Commissioner, but that the best guarantee of their effectiveness was their independence. Although when they spoke, they did so within the framework of the United Nations system, they nevertheless did so totally independently; that was both an asset, because they enjoyed complete freedom of speech, and a weakness, because they alone had to establish their credibility. The High Commissioner was ready to study with the Commission and its Chairperson any adjustments that could be made to the mandates of the special procedures, whether with regard to appointments, current needs or the support provided by the Office of the High Commissioner.

61. With regard to the repression of terrorism, the work of the Special Rapporteur on terrorism and human rights could not but facilitate the task of the Office of the High Commissioner. It should be emphasized that human rights protection was unquestionably a matter for Governments, which had undertaken commitments in that regard. The threat posed by organizations whose resources sometimes exceeded those of States and whose sinister projects were difficult to counter called for an innovative and reliable response that could come only through international cooperation, mindful of the constraints that countries involuntarily imposed on themselves.

62. The protection of migrants should be given greater attention. The Office of the High Commissioner was more interested than ever in the question of displaced persons, and was endeavouring with its partners in the humanitarian sector to explore and define the appropriate mechanisms to be put in place within their respective mandates.

63. *Ms. Groux (Switzerland), Vice-Chairperson, took the Chair.*

64. **Mr. de Klerk** (Netherlands), speaking on behalf of the European Union, said that Bulgaria, Croatia and Romania, which were candidate countries, and Albania, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, which were countries of the Stabilization and Association process and potential candidates, aligned themselves with his statement, as did Iceland. The European Union was firmly convinced that, in dealing with terrorist threats,

human rights and the rule of law should be respected in accordance with international standards relating to human rights, refugees and humanitarian law, as well as the Universal Declaration of Human Rights. It would be tabling draft resolutions on the human rights situations in Myanmar, the Democratic Republic of the Congo, the Sudan, Turkmenistan and Zimbabwe.

65. The policy guidelines adopted by the European Union as a framework for the protection and promotion of human rights in third countries focused on abolition of the death penalty, the prevention of torture, children and armed conflict, and the protection of human rights defenders. Nevertheless, other important human rights concerns, such as intolerance towards persons, should not be forgotten. In that regard, the European Union was notably concerned by recent instances of anti-Semitism and discrimination against Muslims within its own borders and elsewhere in the world. It had supported the initiatives of the Organization for Security and Cooperation in Europe (OSCE) and the adoption at its conferences held in Berlin and Brussels in April and September 2004, respectively, of declarations on intolerance condemning anti-Semitism and all acts of racism, xenophobia and discrimination. A further OSCE conference on anti-Semitism would be held in Córdoba in 2005.

66. The abolition of the death penalty remained a fundamental goal of the human rights policy of the European Union, which was opposed to the death penalty in all circumstances and regarded its abolition as a crucial step towards the advancement of human dignity and the progressive development of human rights. The European Union therefore called on all States to abolish the death penalty or declare a moratorium on executions with a view to its abolition. In that regard, it commended Armenia for having abolished capital punishment for ordinary crimes and similarly commended Samoa and Bhutan for having joined the growing number of countries which considered capital punishment to be a violation of the right to life and human dignity. It further welcomed the establishment of a moratorium on the death penalty by Kazakhstan and Tajikistan, in addition to which it was encouraged by the support received for its resolution on the abolition of the death penalty at the sixtieth session of the Commission on Human Rights, which had been adopted by a very large majority.

67. The European Union remained strongly concerned about the continuing and repeated use of the death penalty in certain parts of the world. China the country where the vast majority of death sente and executions still took place. The European U therefore called on China and other countries to publicizing statistics on the use of the death pe and to announce intended executions well before took place. Where capital punishment did exis should inflict the minimum possible suffering should not be carried out in public. The Euro Union urged Saudi Arabia, the Islamic Republi Iran, Kuwait, Nigeria and the Sudan to end cruel inhuman practices, just as it urged those coun which still maintained the inhuman, cruel degrading punishment of stoning to abolish it matter of priority. It again reiterated, moreover, capital punishment should not be imposed on an who was a minor at the time of committing a crim on pregnant women, new mothers or persons mental disorders. The European Union also regre the fact that the new Government of Iraq reintroduced capital punishment and that Afghani had similarly missed the opportunity to break with past and join the growing number of abolitionist Sta Furthermore, it was deeply concerned that Chad, In Indonesia and Lebanon had lifted the moratorium the death penalty and encouraged the Philippines Sri Lanka, which were currently debating the subj not to follow suit.

68. It was a strongly held view of all Europ member States that all forms of torture and ot inhuman and degrading treatment or punishm should be prevented and eradicated. The Europe Union expected all countries to comply with unconditional prohibition of all forms of torture urged all those which had not already done so to rat the Convention against Torture and Other Cru Inhuman or Degrading Treatment or Punishment and consider signing and ratifying its Optional Protoc Torture remained endemic, even among States whi had acceded to that Convention, and the Europe Union called on such States to make clear to all pub officials, including members of the police, military a other security forces, and persons acting in an offic capacity that torture and ill-treatment would never tolerated under any circumstances. Governmer should ensure that statements and other eviden obtained through torture were not used in a proceedings. The European Union expected all Stat to ensure that any person who encouraged, ordere tolerated or perpetrated acts of torture was he

responsible and brought to justice. It also urged all Governments to cooperate fully with the Special Rapporteur on Torture and agree to his requests to visit their countries. In that connection, it called on Algeria, Egypt, India, Indonesia, Israel, the Russian Federation and Tunisia to extend an invitation to the Special Rapporteur and urged Uzbekistan to follow up the recommendations contained in the latter's most recent report.

69. Referring to the incidents which had taken place in Abu Ghraib prison and been condemned by the international community, including the former Occupying Powers, he said that most acts of torture were committed in secrecy and that their victims were deprived of rights normally granted to other prisoners. The European Union persistently condemned all such acts wherever they occurred; over the past year, it had expressed its concern about cases of alleged torture in a number of countries, including Belarus, Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Myanmar, Pakistan, Saudi Arabia and Zimbabwe. It had also discussed the issue in the framework of human rights forums and meetings. The European Union continued to cooperate with all interested States in order to eradicate torture, the prevalence of which was often an illustration of a weak judicial system and lack of skills and resources in the field of law enforcement. In that context, it offered technical assistance, in particular through the European Initiative for Democracy and Human Rights, and had a sustained history of supporting projects implemented by NGOs, international organizations and rehabilitation centres with a view to preventing and assisting torture victims, to which the sum of 16 million euros would be devoted during 2004.

70. In December 2003, the European Union Guidelines on Children and Armed Conflict, drafted in collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF) and a group of NGO experts, had been adopted. In that context, the European Union intended to work proactively with all relevant actors to ensure that all instruments relating to the rights of the child were strengthened and effectively implemented. Its political and practical actions would be determined on the basis of regular monitoring and reporting. Projects such as those recently started by the presidency of the European Union in northern Uganda, where the situation of children was particularly troubling, provided a concrete example of the implementation of the Guidelines. The European Union was also deeply concerned by the vulnerable situation of children, in particular young girls, in armed conflicts in Afghanistan, Burundi, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Myanmar, Nepal, the Philippines, Sri Lanka, Somalia and the Sudan. The Convention on the Rights of the Child had been almost universally ratified but was by no means universally applied. Children suffered disproportionately in armed conflict, a situation which the Optional Protocol on the Involvement of Children in Armed Conflict aimed to counter. The European Union therefore urged those countries which had not already done so to ratify the Optional Protocol so that it might enter into effect as soon as possible.

71. The European Union strongly supported the Special Representative of the Secretary-General on the situation of human rights defenders and was deeply concerned by the threats, attacks and acts of intimidation conducted against human rights defenders in many countries, where their dedication often exposed them to great personal risk.

72. In addition to the four themes mentioned, it was important to remember the realization of economic, social and cultural rights, which were an integral part of the wider action for the promotion and protection of human rights. In that regard, the International Covenant on Economic, Social and Cultural Rights was a fundamental legal instrument, and the European Union urged those States which had not yet done so to sign or ratify it. It also believed that international human rights instruments applied in their entirety to persons with disabilities. Evidence had shown, however, that those persons still faced denial of their rights. The Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities should therefore ensure that they enjoyed the full range of human rights.

73. In conclusion, he said that the promotion and protection of human rights were a legitimate concern of the international community, as agreed at Vienna. That duty of protection precluded silence in the face of atrocities, in which regard the European Union commended the work of the many special procedures of the Commission on Human Rights and called on all countries to welcome them. No country had an

immaculate human rights record, but it was only through common efforts that improvements would be made in the worldwide human rights situation.

74. **Mr. Kadiri** (Morocco), reaffirming his country's support for the United Nations High Commissioner for Human Rights and recalling the major instruments and principles relating to those rights, said that Morocco's commitment to internationally recognized human rights was enshrined in the preamble to its Constitution. Morocco had made the promotion and protection of human rights, democracy, good governance and gender equality the mainstays of its domestic and foreign policies. It had also ratified virtually all international human-rights instruments, and for several years had been striving hard to bring its domestic legislation into line with those instruments, with the result that several legal codes had been amended.

75. Since 1999, Morocco had been implementing a national human-rights education programme, under which more than 3,000 educators had been trained, and school textbooks had been revised with a view to bringing their content into line with human-rights principles. Moreover, schools and institutes for the training of judges, law-enforcement officers and military personnel had added human-rights training and awareness-raising courses to their programmes.

76. At the institutional level, the Consultative Council on Human Rights (CCDH), established in 1990, had been striving to promote a human-rights culture and to examine cases of political detainees and forced or involuntary disappearances. The Council had been reorganized in April 2001, and its membership had been increased and its powers extended, in order to strengthen its neutrality and independence, enable it to study cases of human-rights violations, promote all human rights, assist in efforts to harmonize national legislation, and participate in the various international human-rights bodies. Since 2003, the Council had headed the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). It had recently submitted its first annual report on the human rights situation in Morocco for the year 2003, as well as a report on the situation in its prisons.

77. An independent arbitration body had also been set up, in 1999, to settle all alleged cases of arbitrary detention or forced disappearance. By the end of its mandate, in February 2003, it had awarded to the victims or their legal beneficiaries compensation totalling $10 million. In order to ensure the continuity of its work, an equity and reconciliation body had been set up in January 2004, charged with undertaking a comprehensive review of the procedures used to settle all cases of forced disappearance and arbitrary detention, notably by establishing a frank and constructive dialogue with the Government, the authorities, human-rights organizations and representatives of victims and their families.

78. In order to strengthen the rule of law and promote good governance, a Complaints Office (*Diwane Al Madalime*) had been established, charged with settling differences between citizens and the Government on an extrajudicial basis, asserting the rule of law and the primacy of the law in all actions by the authorities, and transmitting to CCDH all complaints of human-rights violations.

79. Morocco welcomed the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and hoped that it would be ratified by more States. Morocco was concerned at the grave and continued violation of the most basic human rights and freedoms of the Palestinian people resulting from Israel's occupation and illegal practices. The international community must face up to its responsibilities and induce Israel to end the occupation and respect international law.

80. **Mr. Limon** (Suriname), speaking on behalf of the States members of the Caribbean Community (CARICOM), recalled the Community's adherence to the principles of good governance, the rule of law, and respect for the fundamental freedoms and rights enshrined in its Charter of Civil Society. CARICOM countries had either acceded to or ratified most major human-rights instruments, but found it difficult to meet their reporting requirements under them. They therefore requested the relevant treaty bodies to provide technical assistance in the preparation of reports, as well as in the implementation of their recommendations, which, moreover, should be as concrete and detailed as possible, so that States could incorporate them into national implementation activities.

81. CARICOM welcomed the fact that the joint meeting of chairpersons of human rights treaty bodies and the mandate-holders of the special procedures of

the Commission on Human Rights had initiated a discussion on the impact of counter-terrorism measures on human rights, since the struggle against terrorism should always be fought within the framework of international human-rights standards and humanitarian law. While it was aware of the responsibility of States to protect their citizens from the threat of terrorism, CARICOM was strongly opposed to the use of torture and other inhuman or degrading treatment or punishment as a means to fight terrorism. In that regard, it welcomed the decision taken at the sixtieth session of the Commission on Human Rights to appoint an independent expert to examine the question of the protection of human rights and fundamental freedoms while countering terrorism. It would also welcome a study on the impact of counter-terrorism measures on vulnerable groups such as children and minorities, in particular with regard to their economic, social and cultural rights.

82. Equal attention should be given to the impact of globalization on the full enjoyment of human rights and fundamental freedoms. Most importantly, the international community should address the issue of how globalization might be used for the promotion and protection of human rights in general and the right to development in particular. In that context, the creation of debt-relief programmes for the least developed countries, market opportunities for developing countries and countries in transition, and fair-competition rules, as well as the democratization of international financial institutions might make a positive contribution to the advancement of economic and social development.

83. Although it was generally recognized that the full observance of human rights and fundamental freedoms should constitute the basis for sustainable development, in particular human development, those rights were still poorly understood by international institutions and by the general public. Human-rights education therefore was a critical component in the implementation of human-rights instruments at the national level.

84. CARICOM countries attached great importance to regional arrangements for the promotion and protection of human rights, and appreciated the collaboration of the Office of the United Nations High Commissioner for Refugees (OHCHR) in efforts to strengthen national capacities, especially with respect to institutions, human-rights education and promoting the human rights of women, children and vulnerable groups. They also welcomed the establishment of a Regional Representative Office within the Economic Commission of Latin America and the Caribbean (ECLAC) and the subsequent appointment of a regional representative to help strengthen the regional response to the promotion of human rights. CARICOM would continue to cooperate with OHCHR and ECLAC in that regard, and wished to reaffirm its commitment to the promotion and protection of human rights and fundamental freedoms.

85. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

86. **Mr. Endresen** (Norway) said that a multitude of policies, laws and practices were being implemented in the name of combating terrorism and to the detriment of human rights in many countries. While preventing acts of terrorism remained necessary for protecting the civilian population from potential random violence, the right to life was the single most important human right. But fighting terrorism must not become a pretext for deviating from the fundamental principles of the rule of law and fair trial guarantees.

87. Referring to the report of the Special Representative of the Secretary-General on human rights defenders, he said that his Government had long given priority to human rights defenders, and drew attention to the difficulty of their mission. With the sixth anniversary of the adoption of the Declaration on the Defenders of Human Rights fast approaching, it was imperative to find a better way of implementing it. The right to freedom of expression and association, highlighted by the Special Representative, was a necessary precondition for human rights groups to be able to do their work, and securing that right for every citizen was a long-term investment, since the suppression of political opposition groups sometimes generated violence and instability. The most common violations against human rights defenders were arbitrary arrest and detention, violations of physical integrity, and harassment and, although the Declaration was not itself a legally binding instrument, the standards violated by such acts usually were legally binding: the problem, therefore, was not a lack of standards or rules, but a lack of compliance with them. The Norwegian Government stressed in that regard its endorsement of the Secretary-General's appeal, reaffirmed by the High Commissioner for Human Rights, for an "era of application". It also supported

the process of negotiating a convention on the fundamental rights of persons with disabilities in order to make it easier for them to claim their rights.

88. Universal accession to the various instruments was an important factor for enhanced application, and it was crucial to continue to work towards the attainment of that goal with regard to all core human rights treaties and their additional protocols. It was also crucial to ensure that States withdrew their reservations concerning core human rights treaties, which varied in content and were sometimes contrary to the object and purpose of the treaty itself and even to international customary law.

89. Individuals most risked violations of their rights in situations of conflict, sometimes so grave as to make international humanitarian law applicable. The Norwegian Government considered it a positive trend that, over the previous few years, significant international law bodies had made it clear that in situations of conflict both human rights law and international humanitarian law were applicable and that, in certain conflict situations, States might even have human rights responsibilities outside their own territory. In times of conflict, the plight of the civilian population was terrible, and there were still 25 million internally displaced persons, most of them made so by internal strife.

90. The Norwegian delegation reiterated its firm commitment to the human rights cause and its Government's opposition to the death penalty, stressing that it considered the execution of persons who had been under the age of 18, pregnant or mentally disabled at the time of the crime to be inconsistent with international customary law. Norway also remained committed to the struggle against all forms of torture, racial discrimination, discrimination against women, suppression of freedom of speech, religion and assembly, as well as other violations of human rights, and emphasized that promoting the implementation of human rights instruments was the best way of securing those rights for all individuals.

91. In conclusion, he said that the human rights mechanisms were the cornerstone of United Nations efforts to protect and promote such rights. Strengthened support for the treaty bodies and the Charter-based mechanisms might help to prevent human rights violations before they assumed large-scale proportions and to depoliticize the way the United Nations dealt with human rights. It was therefore necessary to redouble efforts to improve the effectiveness of the human rights system, including through the provision of adequate funding, staff and information resources.

92. **Mr. Ghafari** (United States of America) observed that Afghanistan and Iraq, with the help of the United Nations, were on the path to democracy, and congratulated the people of Afghanistan on the success of the first elections in their history. Pointing to the importance of the presidential elections in Algeria, he noted that neighbouring Morocco had established the region's first justice and reconciliation commission to examine past human rights abuses. On 26 September 2004, 15 Arab countries, meeting in Amman with representatives of OECD and UNDP, had announced the launch of a regional reform initiative focusing on good governance and administrative modernization, an outgrowth of commitments made at the most recent Arab League summit. A conference on good governance was to be held later that year at prime-ministerial level.

93. In other countries of the Middle East, the human rights situation remained alarming: in the Syrian Arab Republic, where the need for concrete reform continued, and in the Islamic Republic of Iran, where regime hardliners had manipulated the Majlis elections. The United States had encouraged the Libyan Arab Jamahiriya to continue on its course of fundamental reforms in the areas of human rights and fundamental freedoms.

94. The United States delegation welcomed the positive steps taken in Saudi Arabia, with its increased citizen participation in the political process, but remained concerned by the continued restrictions on political and religious freedoms. He urged all Governments in the regions to fulfil the promise of the Doha Declaration for Democracy and Reform, the main thrust of which he summarized.

95. Elsewhere in the world, democracy and human rights were faring poorly, notably in Belarus, Burma, China, the Democratic People's Republic of Korea, the Sudan, Turkmenistan and Zimbabwe. The United States would support resolutions on several of those countries, whose regimes daily violated the basic political and civil liberties of their people. It called on all States to join it in promoting and defending human rights in those countries.

96. The United States was gravely disappointed by the conditions in which the recent parliamentary elections in Belarus had been held and by the outcome of the referendum on the term of the presidential mandate, which had also been conducted with little regard for democratic principles. The forthcoming elections in Ukraine would determine the country's democratic and human rights credentials. The United States urged the Government to take immediate steps to fulfil its obligations.

97. Turkmenistan had still failed to enact the key political and economic reforms that would lead to a freer society and allow its citizens to benefit from a more dynamic economy. Despite recent improvements, the Government continued to commit human rights violations, refused access to its prisons and applied laws that restricted civil society and were not in keeping with international agreements and standards.

98. In the Democratic People's Republic of Korea, one of the world's most repressive regimes, its citizens experienced brutality, oppression, injustice and deprivation, and there was no tolerance of criticism of the State or its leader. There was no freedom of expression or assembly, individual rights and freedoms were trampled, and repression and surveillance were of a scale almost unparalleled. Any person considered politically suspect was imprisoned; meanwhile, politically favoured groups and the military lived in comfort. Restrictions imposed on religious activities were also a source of deep concern.

99. In Burma, there had been no positive political developments since May 2003, when the regime had arrested Aung San Suu Kyi and several of her sympathizers. Ms. Suu Kyi remained under house arrest and there were over 1,000 political prisoners. The democratic opposition had still been excluded, and the recent leadership change within the military dictatorship was not encouraging. The Government must put an end to the brutal campaign against ethnic minorities and to all related violations.

100. China's human rights record remained poor. The Government continued to practise repression of its citizens seeking to exercise their fundamental freedoms, and to harass and detain those who spoke out against it.

101. In Africa, Botswana was a true success story. It was a politically and socially stable multiparty democracy that respected human rights and was ranked as the least corrupt country in Africa and ahead of some Western States. Botswana had thus ensured a sound investment climate unique among developing countries.

102. In order to correct such abuses, it was necessary to bear witness and the United States Government stood ready to assist other countries in their efforts to promote and protect human rights.

The meeting rose at 1.05 p.m.